

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

FEB 24 1983

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

Virgil Willett, R. F.
Director
Alabama Surface Mining Commission
Post Office Box 2390
Jasper, Alabama 35502-2390

Mines and Mining - Licenses
and Permits - Fees - Refunds

Alabama Surface Mining
Commission may not refund
license application fees.

Dear Mr. Willett:

You have requested an opinion of this office on
the following question:

In the event a license application is
denied by the Commission, is the required
application fee refundable in whole or in
part or, a non-refundable administrative
cost, in light of §9-16-103(a), Code of
Alabama 1975, as amended in 1981?

The section to which you refer, Code of Ala.,
1975, § 9-16-103(a) provides that "[a]ll sums received
through payment of fees ... shall be placed in the
state treasury and credited to an open account desig-
nated as the Alabama Surface Mining fund." (Emphasis
added.) The section further provides that these funds
shall be used for administrative and enforcement costs,
and for training, research, and reclamation programs.

Mr. Virgil Willett
Page 2

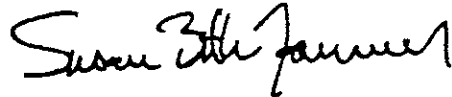
There is no authorization for fees to be refunded, or for the Surface Mining fund to be used to refund fees to applicants whose license application was denied. Therefore, it is my opinion that no part of a license application fee may be refunded to an applicant whose application was denied.

I trust this has satisfactorily answered your question. If we may be of any further assistance, please call upon us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-

A handwritten signature in cursive script, appearing to read "Susan Beth Farmer".

SUSAN BETH FARMER
Assistant Attorney General

SBF:bd